

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

REGINALD DAVIS PEOPLES,

Plaintiff,

v.

Case No. SA-23-CV-00655-JKP

**NINE ENERGY SERVICE, INC.,
HAPPY LOPEZ, DISPATCH,
INDIVIDUALLY AND IN HER
OFFICIAL CAPACITY; BRETT
BLANKENSHIP, SUPERVISOR,
INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY; AND PHILLIP
STEINMETZ, MANAGER,
INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY;**

Defendants.

ORDER

Before the Court is Defendants Nine Energy Service, Inc., Happy Lopez, and Brett Blankenship's Motion to Dismiss Complaint and Compel Arbitration. *See* ECF No. 9. U.S. Magistrate Judge Henry J. Bemporad, to whom this case was referred for pretrial matters, held a hearing on the motion in which the parties advised they agreed to dismissal of Plaintiff's claims without prejudice and to proceed with arbitration. *See* ECF No. 15. The Court notes that one of the named defendants, Phillip Steinmetz, is not included in the defendants' motion. The Court, therefore, directs the parties to confer and file a joint advisory advising whether Steinmetz is still a party to the case or whether the case may be dismissed completely.

IT IS THEREFORE ORDERED that Defendants Nine Energy Service, Inc., Happy Lopez, and Brett Blankenship's Motion to Dismiss Complaint and Compel Arbitration is **GRANTED** as unopposed. *See* ECF No. 9.

IT IS FURTHER ORDERED that Defendants Nine Energy Service, Inc., Happy Lopez, and Brett Blankenship are **DISMISSED** without prejudice.


IT IS FURTHER ORDERED that the Parties are hereby **COMPELLED** to arbitrate the claims alleged by Plaintiff in the Original Complaint.

IT IS FINALLY ORDERED that the Parties shall confer and file a joint advisory, **on or before August 24, 2023**, advising whether Steinmetz is still a party to the case or whether the case may be dismissed completely.

The Court notes that the Plaintiff's attorney does not have an email address on file. The Clerk of Court is therefore instructed to mail a copy of this order to the Plaintiff's attorney.

It is so ORDERED.

SIGNED this 17th day of August, 2023.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE